THE HON'BLE THE ACTING CHIEFJUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No.20552 of 2005 and W.A.No.962 of 2007

ORDER: (per **THE HON'BLE THE ACTING CHIEFJUSTICE BILAL NAZKI)**

Heard the learned counsel for the parties.

Yesterday, we had directed the writ petition be placed before us. Learned counsel for the writ petitioner is also present and he has been heard.

The writ petition has been filed challenging the order of the Government of India dated 21.6.2000 which reads as under:

"I am directed to refer to this Ministry's letter sanctioning SSS Pension to you and to say that the Government of Andhra Pradesh is registering for investigation a case against you being the doubtful nature of your claim. Accordingly pending final outcome of the case your pension is suspended with immediate effect."

This order was mainly challenged on two grounds. Firstly that this order was passed behind the back of the writ petitioner and secondly no show cause notice was given to him although he has been recognized as freedom fighter and was being paid pension for considerable time. It is stated that on the basis of initiation of investigation of a case by the State Government, the petitioner could not have been deprived of the pension.

This order is passed in the year 2000 and this Court stayed operation of this order when the writ petition was filed. A vacate stay petition was filed by the respondent in the writ petition which was also dismissed.

Since there has been stay of this order for the last three

years and it is also admitted that before the impugned order was passed, the writ petitioner was not heard, we feel, that it should be in the interests of justice to set aside the impugned order dated 21.6.2000 and give liberty to the appellants-respondents to conduct enquiry afresh and if they so choose they may pass any orders, but they may do so only after giving a chance of hearing to the writ petitioner.

The writ petition and writ appeal are accordingly disposed of. No order as to costs.

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BILAL NAZKI, ACJ

Date: 19.12.2007

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RAMESH RANGANATHAN, J

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